

Cape Organization for Rights of the Disabled
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June 24, 1998

Federal Communications Commission
Office of the Secretary
Room 222
Washington, D.C. 20554

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RE: IMPLEMENTATION OF SECTION 255 OF THE TELECOMMUNICATIONS ACT OF
1996 - WT DKT. # 96-198

Dear Secretary:

The Cape Organization for Rights of the Disabled (CORD) submits these comments to the FCC on its proposed Section 255 rules. CORD is a grassroots advocacy organization that promotes equal access for all. We strongly support telecommunications access for people with disabilities. We have seen many people adversely affected in their jobs and their social and home lives by a lack of this access.

We applaud the FCC for issuing proposed rules to implement Section 255 of the Telecommunications Act of 1996. Increased access to telecommunications equipment is critical to expanding employment, educational, and recreation opportunities for people with disabilities. We urge the FCC to adopt the Access Board Section 255 guidelines for both manufacturers and service providers. These guidelines are needed to provide clear direction on the obligations of companies to make their products and services accessible. People with disabilities need to be included in market research and trials. Manufacturers should be required to provide access to product and service information, documentation on products and services and their accessibility features, including information in their user and installation guides. This information must be made available in alternative formats at no additional charge when requested. Customer and technical support provided at call and service centers must be accessible to people with disabilities.

Many telecommunication devices are inaccessible to people with disabilities. One of CORD's former staff members, who is deaf, was unable to use the fax machine without assistance because there are no visual markers indicating the start tones. A CORD consumer with a cognitive disability is unable to dial a telephone. He had to wait two years until the phone company provided him with an accessible phone through their disability equipment program. During that wait, CORD and his family searched for an accessible telephone on the market without success.

We are deeply concerned that enhanced services may not be covered under the FCC's new rules because these are considered "information," not "telecommunications" services. Enhanced services include more advanced telecommunications services, such as voice mail, electronic mail,

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interactive voice response systems which use telephone prompts and audiotext information. These services have become commonplace, yet remain inaccessible to many people with disabilities. We believe that Congress could not have intended to eliminate these very important and widely used services from Section 255. The whole purpose of Section 255 is to expand telecommunications access. Exclude these services and people with disabilities will still be receiving substandard telecommunications access.

The CORD consumer with the cognitive disability mentioned above is unable to make or accept a collect phone call because the automated message doesn't allow him time to process or respond to the information provided. He is unable to use voice menu systems, voice mail or even call for theater information because the information is not provided in a manner he can process. A person with cerebral palsy may not be able to press the correct button in the time allotted. A person with quadriplegia may face the same problem.

CORD opposes changing the definition of "readily achievable" from the definition used in the Americans with Disabilities Act (ADA) to include consideration of recovering the costs. Allowing this to be used as a factor in determining what is "readily achievable" would defeat the purpose of Section 255. The only reason we needed this accessibility law is that the market refused to respond to the needs of people with disabilities. Fax machines still cannot be used by deaf people. Interactive telephone systems are still out of reach by many people with disabilities.

We support enforcing Section 255 with a complaint process. The following proposals need to be included by the FCC:

- Consumers should not be required to first receive approval from the FCC before being permitted to file a formal FCC complaint. This is not required for other formal complaints and shouldn't be required of people with disabilities.
- There should be no filing fees for informal or formal complaints with the FCC either against manufacturers or service providers. Waiving these fees would be in the public interest.
- There should not be any time limit for filing complaints, because one never knows when he or she will discover that a product or service is inaccessible.
- Consumers with disabilities should be able to submit complaints by any accessible means available.
- Manufacturers and service providers should be required to establish contact points in their companies that are accessible to people with disabilities.

Thank you for the opportunity to submit these comments. We urge the FCC to act promptly in issuing rules that will fully ensure telecommunications access by individuals with disabilities.

Respectfully submitted,

Cathy Taylor

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